



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Date Issued: March 8, 2016

CHARTER SCHOOL CLOSURE POLICY

Introduction

The Office of the State Superintendent of Education (OSSE) is responsible for all state-level educational functions as the State Educational Agency (SEA) for the District of Columbia. The State Superintendent represents the District in all matters before the United States Department of Education and is responsible for establishing statewide policies within the functions of an SEA under federal and local law. (D.C. Official Code § 38-2601 et seq.)

The purpose of this policy is to establish procedures and provide guidance and technical assistance with regard to the state-level concerns related to the closure of a District of Columbia public charter school, also recognized as a Local Educational Agency (LEA) for federal funding purposes. (D.C. Official Code § 38-1802.10(a) & (c).)

A charter school may close for a variety of reasons including, for example, voluntary relinquishment of a charter, revocation of the charter, or nonrenewal of a charter by the authorizing authority. A charter school closure is governed by applicable laws and regulations, and appropriate procedures established by the charter authorizing authority, including the District of Columbia Public Charter School Board (PCSB). This policy also addresses consolidations or closures of one or more campuses within a public charter school LEA with multiple campuses, which may in some instances implicate the state-level concerns described in this policy.

This policy highlights the following state-level concerns:

- I. Notification of Closure
- II. Submission of Closure Plan
- III. Student Records and Retention
- IV. Students with Disabilities under the Individuals with Disabilities Education Act (IDEA)
- V. Students with Individualized Education Programs (IEPs) Enrolled at a Nonpublic Special Education School
- VI. Extended School-Year (ESY) Services for Students with IEPs
- VII. Obligations under Section 504 of the Rehabilitation Act of 1973
- VIII. Financial and Grants Closeout
- IX. Dispersal of Unspent Federal and Local Grant Funds
- X. Disposition of Assets

- XI. Data Collection and Reporting
- XII. Consolidations, Mergers and Acquisitions
- XIII. UPSFF Payments and Remittance
- XIV. Conclusion

I. Notification of Closure

- A. Upon a final decision of PCSB to revoke, not renew, or acknowledge the relinquishment of a charter, the chartering authority will, in accordance with its established guidelines, notify the closing charter school in writing of required procedures, provide the name and number of an identified point of contact responsible for the school's closure or consolidation process.
- B. Within ten (10) calendar days of any official action taken by a chartering authority to revoke, not renew, or acknowledge the relinquishment of a charter, the closing charter school shall provide OSSE with written notification of the pending closure. In the event of a campus closure or the consolidation of two or more campuses into a single campus, the charter school shall provide OSSE with written notification within ten (10) calendar days of the official decision to close or consolidate. The notification and all other related correspondence should be sent to:

Office of the State Superintendent of Education (OSSE)
Office of Enrollment and Residency
810 First Street, NE, 9th floor
Washington, DC 20002
Email: osse.charterclosure@dc.gov

The Notice shall include the following information:

- 1. Name of the public charter school or campus(es) that will be closing or consolidating;
- 2. Names and contact information for the following persons:
 - a) PCSB point of contact responsible for the school's closure or consolidation process and student transition;
 - b) Public charter school's point of contact responsible for the school's closure or consolidation process;
 - c) All members and officers of the school's governing body; and
 - d) All persons in charge of communication among internal and external parties about the school's closure or consolidation process.
- 3. Effective date of the closure or consolidation;
- 4. Address(es) of the public charter school facility (or facilities) impacted by the closure or consolidation;
- 5. Information describing the school's assets, including facility ownership, copies of leases, if any, and copies of any outstanding debt obligations including loans supported by OSSE's Office of Public Charter School Financing and Support (OPCSFS);

6. Information describing the location of, and arrangements for storage, maintenance and transfer of student and personnel records; and
 7. Detailed listing of all Federal and local grants and appropriations active in the current school year.
- C. Within fourteen (14) calendar days of the official action taken by the charter authorizer to revoke, not renew, or acknowledge the relinquishment of the charter, the closing public charter school shall provide written notification of the impending closure or consolidation to the parents or guardians of all students affected by the termination of educational services. The notification shall:
1. Inform the parents or guardians of the date when educational services at the public charter school or campus will cease;
 2. If the public charter school is closing, inform parents or guardians of their obligation, under District of Columbia law on compulsory school attendance, (D.C. Official Code § 38-202), to enroll the student in another LEA, including the District of Columbia Public Schools (DCPS) or another public charter school;
 3. Provide guidance, as appropriate, on available school options and instructions on how to enroll the student in another LEA;
 4. Encourage the student's parent or guardian to complete enrollment at another LEA as early as possible, and prior to the end of the school lottery period, in order to ensure a smooth transition and continuation of educational services; and
 5. Provide parents or guardians the name and number of an identified point of contact with the charter authorizer who will address unresolved or new issues related to the student after the official closing of the public charter school or campus.

II. Submission of Closure Plan

- A. Within twenty one (21) calendar days of any official action taken by the charter authorizer to revoke, not renew, or acknowledge the relinquishment of a charter, the closing charter school shall submit a closure plan to the charter authorizer. The closing charter school shall submit such articles of dissolution to the Mayor and notification to the Attorney General for the District of Columbia, as required pursuant to D.C. Official Code § 29-412.02.

The charter authorizer is expected to provide a charter closure plan template to the public charter school, upon any official action taken to revoke, not renew, or acknowledge the relinquishment of a charter. It is recommended that the closure plan template include the elements outlined in Section II(C). These are required elements in the case of closing public charter schools that are Priority and Focus schools, in accordance with the District of Columbia's approved waiver under the Elementary and Secondary Education Act, as amended. OSSE shall review the charter closure plan in collaboration with the closing charter school and charter authorizer and establish a schedule for completion of all items required in the closure plan.

Closure procedures included in the charter school closure plan shall include the following components:

1. Transfer and maintenance of personnel records consistent with federal grants requirements;
 2. Provision, storage and maintenance of student transcripts, including each student's grade level and completed courses;
 3. Transfer and maintenance of all other student records, including without limitation a student's performance on annual state assessment tests;
 4. Transfer and maintenance of all special education records;
 5. Action plan that details the guidance and support the public charter school will provide to their outgoing students' parents or guardians during the closure process, including assistance with transitioning students to other LEAs and facilitating contact between students' parents or guardians and the charter authorizer;
 6. Plan for notifying stakeholders (*e.g.* nonpublic special education schools, vendors and community based organizations) of the closure;
 7. Plan for maintenance of student enrollment activity through updates of each student's enrollment, due to OSSE on a bi-weekly basis until expiration of the charter;
 8. Detailed list of all assets purchased with local and federal funds, liabilities, stakeholders, judgments and other legal matters, including but not limited to: due process complaints, letters of determination, compensatory services plans, and Hearing Officers Decisions pursuant to the Individuals with Disabilities Education Act, 20 USC § 1401 et seq. (IDEA); and
 9. Plan for addressing all outstanding student-level findings of noncompliance with the IDEA that have been identified by OSSE through monitoring or other review. The plan shall include an up-to-date status report of all such findings.
- B. In the case of a campus closure(s) within a public charter school LEA with multiple campuses, including consolidation of two or more campuses into a single campus, the public charter school LEA shall determine whether it has another campus that will serve the students affected at the same grade levels. If so, the public charter school does not need to submit or adhere to a closure plan. If the public charter school does not have another campus that will serve students at the same grade level, the LEA shall submit a closure plan and adhere to the terms of this policy, as appropriate, with respect to the closing campus. Upon receipt of written notification of a campus closure or consolidation, OSSE will confirm that the closing charter school is developing a closure plan.
- C. In the case that PCSB provides official notice to OSSE that its members have voted to revoke or not renew the charter of a particular Priority or Focus school based on lack of progress toward improved student academic outcomes, or other significant issues cited by PCSB, PCSB will have thirty calendar (30) days from the decision to revoke or not renew the charter to submit to OSSE a closure plan to (a) ensure continuity of quality educational services prior to the school's closing;

and (b) seek to arrange quality educational alternatives in the coming school year for students in the closing school.

The plan must minimally address the way in which the school will support smooth transition in two key areas: (1) transition support for staff, (2) transition support for families.

1. Supporting Transition for Staff

Suggested elements:

- a) Communications strategy that provides frequent, clear updates on what to expect
- b) Contingency staffing plan to address anticipated attrition and increased turnover

If the school will be operating for more than half of a 180-day school year (90 school days or 900 school hours), the plan shall include teacher support related to increased instructional/behavioral needs.

2. Supporting Transition for Families

Suggested elements:

- a) Communications strategy that provides frequent, clear updates on what to expect
- b) Individualized communications to families outlining educational options and timelines
- c) Fact sheet on change process, typical reactions to stress, and how to talk about the transition with children and youth
- d) Distribution of resource sheet on counseling/support resources
- e) Direct support to search for and apply to an appropriate school for the following school year
- f) For 11th and 12th graders, individualized graduation plans to assure high school graduation

Additionally, if the school will be operating for more than half of a 180-day school year (90 school days or 900 school hours), the plan shall include specific strategies in the plan for:

- Addressing the Academic Needs of All Students

Suggested elements:

- a) Targeted data support and review to coordinate individualized transition planning
- b) Academic interventions to ensure students remain on track and that gaps are identified, documented, and addressed

- Addressing the Social/Emotional Needs of All Students

Suggested elements:

- a) Enhanced counseling/behavior support
- b) Review and update of school crisis intervention plan

III. Student Records and Retention

Pursuant to D.C. Official Code § 38-1802.13a(e), the charter authorizer, in consultation with the closing public charter school's governing body, shall arrange for the transfer and storage of student records in possession of the charter school, consistent with applicable laws and regulations, including without limitation, IDEA, 20 U.S.C. § 1400 *et seq.*, 34 CFR Part 300, and the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99.

IV. Students with Disabilities under the IDEA

OSSE is responsible for monitoring LEAs for compliance with the IDEA, and for ensuring that students with disabilities receive a free and appropriate public education. With regard to special education services and funding, a closing public charter school that has elected the District of Columbia Public Schools (DCPS) to serve as its LEA for purposes of the IDEA, 20 USC § 1400 *et seq.*,¹ shall contact DCPS to coordinate the closeout activities below regarding special education services. A closing public charter school that has not elected DCPS as its LEA for purposes of IDEA is directly responsible for completing the following closeout actions:

- A. Within fourteen (14) calendar days of any official action taken by the charter authorizer to revoke, not renew, or acknowledge the relinquishment of a charter, the closing charter school shall provide written notification of the impending closure or consolidation to the parents or guardians of all students receiving special education services. The notification sent to the parents of students receiving special education services shall conform to the requirements of Section I(C) herein, and shall also:
 1. Include a copy of the IDEA Notice of Procedural Safeguards.
 2. Inform families of how their child's Individualized Education Program (IEP) will be transitioned from the closing public charter school to the new LEA of the parents' choosing. Sample language follows:
 - a) ***What happens to my child's IEP now? Until the date that education services at your child's current LEA end or you enroll in another LEA, whichever occurs first, your child's current LEA is required to ensure your child's IEP is being implemented and is receiving a free and appropriate public education (FAPE).***
 - b) ***Does my child's next school have to follow my child's current IEP? If you enroll your child in a new public school in the District, the school is required to immediately provide your child with FAPE, including services comparable to those in your child's IEP. These services need not be identical to the services in your child's current IEP but shall be comparable enough to provide FAPE. Then, the school shall adopt and fully implement your child's current IEP or convene an IEP team to develop and implement a new IEP.***

¹ Title I, Section 102(d) of the Special Education Quality Improvement Amendment Act of 2014 (D.C. Law 20-196, as codified at D.C. Official Code § 38-1802.10(c) and (c-1)) changed the law regarding election of DCPS by charter schools for IDEA purposes. Under this law, newly approved public charter schools may no longer elect DCPS to be the LEA for purposes of IDEA, and by August 1, 2017, any existing public charter school that has made this election shall be treated as its own LEA for IDEA purposes.

c) *How will the next school know what is in my child's IEP? If you enroll your child in a new public school in the District your child's new school will be able to access all of the electronic special education records the previous school entered in the citywide Special Education Data System (SEDS). In addition, the previous school shall provide you with a paper copy of your child's IEP for your records.*

3. Provide guidance to parents of students who require Extended School Year (ESY) special education services on how to enroll their child in another LEA as soon as possible, but no later than the last day of the academic school year of the closing charter school, to ensure that the student's new LEA has an opportunity to provide ESY services over the summer.
4. Provide guidance to parents on how to inquire about the status of their child's IEP during the closure process, encouraging them to do so prior to the end of the academic school year.
5. Inform parents of 12th grade students who are receiving special education services (or such adult students where educational rights have transferred) of their right to continue their education in the public school system through the end of the first semester of their 22nd birthday if they are not graduating with a regular diploma.

Copies of all notices sent to parents of students who are receiving special education services shall be uploaded into the Special Education Data System (SEDS).

B. Ensure that all IEPs are updated (*i.e.*, not expired or about to expire) and that all information is entered into SEDS by the end of the academic school year of the closing charter school. All charter schools are required to use and update SEDS regularly; however, if there are any other special education documents maintained in the student's hard copy file, they shall be faxed into SEDS using the appropriate SEDS fax cover sheet or the miscellaneous cover sheet found in SEDS. OSSE will schedule closeout monitoring activities of the closing school's SEDS records no less than thirty (30) calendar days before the end of the academic school year of the closing school. At a minimum, up-to-date SEDS files shall include:

1. Students' current IEPs, including Behavior Intervention Plans (BIPs) if appropriate, entered into the SEDS interface (please note: a hard copy paper IEP faxed into the system is not sufficient);
2. IEP and Multi-Disciplinary Team (MDT) meeting notes;
3. IEP report cards/progress reports;
4. All evaluations completed within the past 3 years (including Functional Behavioral Assessments (FBAs), if appropriate); and
5. All service trackers.

C. Provide a copy of the student's file to his/her parent(s) to facilitate the transition of special education students to their new schools and allow the parents to furnish a physical copy of the file to the student's new school, documenting the services the child needs.

- D. Establish a list of 12th graders or seniors in high school who are NOT graduating.
- E. Notify all stakeholders (*e.g.* nonpublic schools, vendors and community based organizations) of the closure.
- F. Address all outstanding student-level findings of noncompliance with IDEA that have been identified by OSSE through monitoring or other review, and provide an up-to-date status report of all such findings prior to the termination of educational services.

V. Students with IEPs Enrolled at a Nonpublic Special Education School

Students attending nonpublic schools shall be enrolled in an LEA at all times to maintain District funding and ensure appropriate oversight of the student's educational placement. To ensure continuation of services upon the closing of a student's LEA of record, the student shall re-enroll in a new LEA, either in DCPS or another public charter school. In accordance with federal and local law, the new LEA will review the student's IEP to determine whether it can fully implement the student's IEP in a less restrictive setting (*i.e.*, a public school), and ensure that placement is made by "a group of persons" with knowledge of the child, including the parent. The new LEA can determine whether to reconsider placement, based on data available regarding the child.

VI. Extended School-Year (ESY) Services for Students with IEPs

When a student with an IEP containing extended school-year (ESY) services transfers to another LEA, that LEA shall provide ESY services to the student as a comparable service. While the determination of comparable services is made on an individual basis, the student's new LEA may not arbitrarily decrease the level of services to be provided to the student as comparable services, regardless of the time of year of the transfer. In the interest of continuity of educational services, OSSE encourages agreements between the closing charter school and the LEA(s) which receive such student, to allow the closing charter school, where appropriate, to provide the ESY services. In such cases, however, the new LEA remains accountable for ensuring the delivery of ESY services to students enrolled in the new LEA. In addition, the new LEA is also responsible for coordinating transportation services with OSSE Division of Student Transportation, if applicable.

VII. Obligations under Section 504 of the Rehabilitation Act of 1973

Closing charter school LEAs are reminded of their obligations under Section 504 of the Rehabilitation Act of 1973 to ensure that students with Section 504 accommodation plans continue to receive their accommodations and services during the closure process. LEAs may wish to consider sending notices to parents of students with Section 504 plans of the school's closure and the current status of the student's accommodation plan. It is also advisable for the LEA to ensure that the student's most recent Section 504 plan is up to date and included with the student's other education records. Because the SEDS system does not include a module for Section 504 plans, the closing charter school LEA may wish to provide the parent with a copy of the student's Section 504 plan. Note, however, the new LEA in which the parent enrolls the student has an independent obligation under Section 504 to ensure the provision of a free and appropriate public education, including review and implementation of an appropriate plan as the new LEA may determine. The new LEA has no obligation to implement the same Section 504 plan as the closing public charter school.

VIII. Financial and Grants Closeout

Upon receiving notification of the closure, OSSE will review the applicable grants and funding documents and notify the charter school and the charter authorizer of its findings with regard to liabilities, including unpaid loan funds, grants, credit enhancement, and/or other liabilities.

If OSSE determines that funds are owed to the District, the closing charter school shall promptly remit such funds by check to the Office of Grants Management and Compliance at OSSE, made payable to the District of Columbia Treasurer (DC Treasurer) and mailed to:

Office of the State Superintendent of Education (OSSE)
Office of Enrollment and Residency
810 First Street, NE, 9th floor
Washington, DC 20002

OSSE shall invoice the school for any direct expenses incurred as a result of enforcing or complying with this policy.

Many public charter schools receive federal and local grants directly from OSSE. In order to ensure proper closeout of all grants, the closing charter school shall take the following steps:

- A. Ensure that all applications for entitlement funds (*e.g.* Title I, Part A; IDEA, Part B) have been finalized and approved;
- B. Submit reimbursement requests for all expenditures allowed under federal and local grants;
- C. Provide supporting documentation with reimbursement requests for all grant funds;
- D. Provide a spending plan to identify possible amount of funds that may lapse, and establish a timeline for submitting reimbursement requests; and
- E. Prepare and submit any and all financial, performance, or other audits or reports required under the terms of the grant.

A charter school that is closing a campus or consolidating one or more campuses, without having another campus available to serve students at the same grade level, does not need to complete this financial and grants closeout. However, the charter school shall review all of its active grants to determine whether the loss of students at those grade levels requires amendment of their grant applications.

A charter school shall comply promptly with the respective federal or local grant award notices and regulations governing the methodology related to grants management. The OSSE Office of Grants Management and Compliance is available to provide technical assistance in this process and can be reached at osse.grantscompliance@dc.gov.

IX. Dispersal of Unspent Federal and Local Grant Funds

Closing charter schools should follow the standard process for expediting expenditure of funds and reimbursement requests. Final reimbursement requests should be submitted within 45 calendar days after the final day of operation. Approved charter school staff and representatives should submit the program

reimbursement request in EGMS. All appropriate supporting documentation should be uploaded with the request. The request will be processed as follows:

- A. A program specialist reviews the reimbursement request, follows up with the sub grantee if necessary, and indicates the amount of the request that is allowed and, if applicable, the amount that is disallowed; the program manager reviews the reimbursement request and, if applicable, validates the amount allowed;
- B. The reimbursement moves from program approval to the accountant level for approval in the Office of Grants Management and Compliance. The accountant level will send it to OCFO, once approved;
- C. OCFO reviews the reimbursement. Once approved, a payment for the allowed amount is sent to the subgrantee by ACH payment or check.

Reimbursement requests not received within 45 calendar days after the final day of operation will not be eligible for a grant reimbursement. Affected charter schools should allow for unforeseen circumstances and submit reimbursement requests as early and frequently as possible to prevent a lapse of funds.

X. Disposition of Assets

OSSE is responsible for monitoring federal grant recipients to ensure compliance with federal law and regulations regarding the disposition of assets purchased with federal funds. (See 2 CFR § 200.313(e) and former 34 CFR § 80.32, as applicable.) See also, *City-Wide Grants Manual and Sourcebook*.² Accordingly, the charter school closure plan shall include the disposition plan for all liabilities and assets consistent with applicable federal laws and regulations.

The LEA should also ensure that it has reviewed and complied with local laws including the Nonprofit Corporation Act of 2010 and its provisions on dissolution of non-profit corporations. (D.C. Official Code §§ 29-409.01 — 29-412.01.)

- A. Facilities: Upon the closure of a public charter school, the disposition of public charter school facilities (school building) is governed by the terms and conditions of its acquisition. If the charter school purchases the school building, generally, there are multiple lenders— senior and subordinate. If public resources comprise part of the acquisition financing, that financing is facilitated pursuant to a Direct Loan Fund for Charter School Improvement, administered by the D.C. Office of Public Charter School Financing and Support (OPCSFS) (D.C. Official Code § 38-1833.02).

The disposition of a school building that is not owned outright by the school is determined by the terms and conditions of the loans that financed its acquisition. This process is governed pursuant to the loan agreements of each lender and an attendant Subordination and Inter-creditor Agreement by and between all lenders.

When a public charter school occupies a school building pursuant to a lease, the disposition of the building is governed pursuant to the terms and conditions of the lease agreement.

² <http://opgs.dc.gov/book/citywide-grants-manual-and-sourcebook>

If the facility was purchased using federal grant funds, federal regulations mandate that the purchasing entity request disposition instructions from the federal awarding agency, the U.S. Department of Education. (*See* 2 CFR § 200.311(c) and former 34 CFR § 80.31(c), as applicable.)

B. Property:

Closing charter schools shall submit to OSSE a log of all equipment, as defined in 2 CFR § 200.33, purchased with federal grants. Additionally, this log shall include all supplies, as defined in 2 CFR § 200.94, considered small and attractive items that cost less than the equipment cost threshold, such as computing devices (*i.e.*, laptops, desktop computers, tablets, smartboards, projectors, personal digital assistants (PDAs), cell phones, printers) and their accessories. Finally, the log shall also include equipment and supplies purchased with local funds.³ In determining what items of personal property purchased with local funds to include on the log, closing charter schools shall use the definitions of equipment and supplies found in 2 CFR § 200.33 and § 200.94, respectively. All of the aforementioned property shall remain property of OSSE, unless OSSE declares the property to be “excess” or designates it as “exempt property.”

Property purchased with federal or local funds cannot be liquidated and shall be transferred according to the following procedures:

1. The closing charter school shall submit a log of all equipment, and all supplies considered “small and attractive items” that cost less than the equipment cost threshold, purchased with federal grants.
2. OSSE shall send notice of availability of items to similar public charter schools with the same federal grant entitlements.
3. Notified LEAs have 48 hours from the time of publication of the list of property to request items.
4. Within ten (10) business days, OSSE shall determine the disbursement of equipment and supplies, based on identified need.
5. Other public charter schools shall be given the opportunity to claim undisbursed items.
6. In the event that no public charter schools claim the property, such property will be transferred to DCPS.

The charter school shall secure and store the property and any other assets that belong to others in order to protect these assets against theft, misappropriation, or deterioration. The charter school leadership and school governing authorities shall immediately take steps to secure all the building(s), furniture, fixtures, equipment, and supplies, and maintain daily security over those assets until disposed.

OSSE will review and verify the equipment/inventory log (sample below) in coordination with the charter authorizer and the charter school’s independent auditor; and will coordinate with the

³ D.C. Official Code § 38-1802.13a(d)(2)(A)

charter authorizer about the proper procedure for liquidating the assets, consistent with federal regulations. The inventory log shall include:

1. Each item in excess of Federal equipment cost threshold;
2. Small and attractive items that cost less than the equipment cost threshold, such as computing devices and their accessories;
3. An identification number that corresponds to a tag on that item;
4. The cost of the item, purchase date, and grant source of funds;
5. The physical location of the item in the closing charter school; and
6. Name and contact information for person(s) handling liquidation.

Inventory Log sample:

<i>Inventory</i> <i>POC:</i> <i>Inventory POC</i> <i>Email:</i> <i>Inventory POC</i> <i>Phone:</i>				
Description of Item	Funding Source (Local/Federal)	Location of Item in School	Identification Number	Purchase Date

The Inventory Log shall be submitted to OSSE at least 45 calendar days prior to the effective date of closure. OSSE shall facilitate the transfer of inventory according to the following procedures:

1. Review of inventory log;
2. Visit school locations to audit items; and
3. Contact schools about inventory and/or post remaining inventory in PCSB newsletter.

XI. Data Collection and Reporting

The closing charter school shall complete its reporting obligations by providing OSSE with required state and federal data for the federal fiscal year in which the charter school is closing as well as the prior

federal fiscal year. This includes, without limitation, demographic, enrollment, and withdrawal information. Program related material may include information for students with disabilities in SEDS and related data systems, and records information related to transfer students.

OSSE requires collection of all school data points prior to closing. This requirement includes any data that was not submitted during the year, and all data with later due dates, such as the National Public Education Financial Survey (NPEFS). While the deadline for fulfilling the data requirements may be after the close of the school year, public charter schools shall address these data requirements and supply OSSE with data available to the school and mandated for reporting within the year in which the school is closing. A closing school is expected to fulfill their data requirements in advance of the normal due date, to ensure all appropriate data is provided to OSSE prior to departure of the school's key personnel acquainted with and responsible for collecting and reporting this data to OSSE. There are five types of required data:

1. Student (including student-level discipline and assessment data);
2. Staff and teacher data;
3. School-specific data;
4. LEA-specific data; and
5. Fiscal (including meal claims for the Federal Free and Reduced Meals program).

Prior to the closing charter school's Student Information System (SIS) closeout, if any student is not yet enrolled in another LEA, the closing charter school shall enter exit codes to change the student's status to "site unknown." This will avoid any interruption in the student's eligibility to enroll in another LEA that might be caused by the creation of duplicate records.

XII. Acquisitions

If the closure of a charter school also involves a consolidation, merger, or acquisition as it relates to the school's corporate status, OSSE will consider the federal grants implications and appropriate disposition of federal grant funds on a case-by-case basis. In such cases which directly involve grants, loans, and assets purchased with federal grant proceeds, subgranted by OSSE, a joint, formal amendment request by both the closing and receiving schools should be made to OSSE within five (5) calendar days of the school closure notification.

The charter school is required to request a formal amendment to grants that were awarded by OSSE when the following are anticipated: (i) revision of the scope or objectives of a program, including any associated budget revisions; or (ii) changes in key personnel. (*See* 2 CFR § 200.308(c) and former 34 C.F.R. § 80.30(d), as applicable.) A charter school is also required to request termination of those grants, as appropriate. (*See* 2 CFR § 200.339 and former 34 C.F.R. § 80.44, as applicable.) The terms and conditions of loans extended to a charter school typically will also include requirements for alteration or termination of the loan.

If the effects of a consolidation, merger, or acquisition begin prior to the end of the grant year, the contact person named in the Grant Award Notice and grant application will remain the responsible person that is accountable for all oversight and management of federal grants until a formal grant amendment is received and approved by OSSE.

Charter schools shall provide an amendment request that addresses grants for the current fiscal year and include Tydings carryover funds from previous fiscal years. Specifically, the request for amendment shall include the following:

1. Programmatic changes, including revisions to the scope of the program.
2. Changes in key personnel.

If the request is to transfer these funds to another local charter school, the receiving school shall be an authorized charter school in the District of Columbia (to operate at the same grades) and the amendment request shall include the signature of the responsible contact person at the receiving school. In no case shall a closing charter LEA and/or its successor organization(s) make determinations on the legal responsibility or liability of a closing charter LEA or successor organization under federal education programs that OSSE oversees.

Once OSSE receives either a request for an amendment or a termination, it will provide a decision to the LEA in writing. OSSE reserves the right to accept (in whole or in part) or deny the request. OSSE will review amendment applications from a review panel comprised of representatives from the Office of Enrollment and Residency, Division of Elementary, Secondary, and Specialized Education, General Counsel, Office of Data Management and Office of Public Charter School Financing. Amendment requests should be sent the OSSE Office of Enrollment and Residency at osse.charterclosure@dc.gov.

XIII. UPSFF Payments and Remittance

Annually, OSSE conducts an annual enrollment audit, which is the basis of the Uniform Per Student Funding Formula (UPSFF) (D.C. Official Code § 38-1804.02). This funding provides the per-student base foundation funding, as well as weighting factors per grade level. The UPSFF assigns additional funds for special education categories, summer school, and English language learners through add-on weights. These payments are made quarterly and, in some instances, through supplemental funding opportunities (D.C. Official Code § 38-2906.02).

The closing charter school shall submit financial statements as requested by OSSE to ensure the correct return of unspent UPSFF funds to the District of Columbia. Once a closing charter school reconciles all financial debts and obligations at the dissolution and/or relinquishment of the charter, all remaining UPSFF funds shall be repaid to the DC Treasurer and may not be used or transferred for purposes outside of the operation and business of the closing charter school. Payments should be addressed to “DC Treasurer” and mailed to:

Office of the State Superintendent of Education (OSSE)
Office of Enrollment and Residency
810 First Street, NE, 9th floor
Washington, DC 20002

XIV. Conclusion

An orderly school closure is in the best interest of all affected parties. The school’s governing officials are responsible for implementing the school closure process consistent with local and federal laws and regulations: protecting school assets; maintaining corporate and student records; developing an inventory of property and other assets; ensuring appropriate disposition of the facility and other property and

compliance with state and federal funding. This policy highlights state level issues a closing charter school shall address in a short period of time to ensure a smooth transition and as little disruption as possible to their students' education.